

1 Muriel B. Kaplan, Esq. (SBN 124607)  
2 Michele R. Stafford, Esq. (SBN 172509)  
3 Shaamini A. Babu, Esq. (SBN 230704)  
4 SALTZMAN & JOHNSON LAW CORPORATION  
5 44 Montgomery Street, Suite 2110  
6 San Francisco, CA 94104  
(415) 882-7900  
(415) 882-9287 – Facsimile  
mkaplan@sjlawcorp.com  
mstafford@sjlawcorp.com  
sbabu@sjlawcorp.com

7 Attorneys for Plaintiffs

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10 UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 BAY AREA PAINTERS AND TAPERS  
PENSION TRUST FUND, et al.,

Case No.: C08-3987 JSW

13 Plaintiffs,

**NOTICE OF VOLUNTARY DISMISSAL**

14 v.

15 LOMBARDO CONSTRUCTION, INC., dba  
LOMBARDO LATH PLASTER &  
16 DRYWALL,

17 Defendant.

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19 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), plaintiffs BAY AREA  
20 PAINTERS AND TAPERS PENSION TRUST FUND, et al., voluntarily dismiss, without  
21 prejudice, their claim against defendant LOMBARDO CONSTRUCTION, INC., dba  
22 LOMBARDO LATH PLASTER & DRYWALL. Defendant has neither served an answer nor  
23 moved for summary judgment, and plaintiffs have not previously filed or dismissed any similar  
24 action against defendant.

25 It is therefore requested that this action be dismissed without prejudice, and that the Court  
26 shall retain jurisdiction over this matter.

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1 I declare under penalty of perjury that I am the attorney for the plaintiffs in the above  
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 25<sup>th</sup> day of November, 2008, at San Francisco, California.  
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5 SALTZMAN & JOHNSON  
6 LAW CORPORATION

7 By: \_\_\_\_\_/S/ \_\_\_\_\_  
8 Michele R. Stafford  
9 Attorneys for Plaintiffs

10 IT IS SO ORDERED.

11 This case is dismissed without prejudice and the Court shall retain jurisdiction over this  
12 matter.

13 Date: December 1, 2008  
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16 THE HONORABLE JEFFREY S. WHITE  
17 UNITED STATES DISTRICT COURT JUDGE

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